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Testimony of U.S. Representative Pete Hoekstra
House Permanent Select Committee on Intelligence
Ranking Member
Before the Michigan Senate Judiciary Committee
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Thank you for inviting me here today to testify on whether terrorists being held at the Guantanamo Bay detention facility should be transferred to the Standish Maximum Correctional Facility or any facility in Michigan for that matter. My position is clear, I strongly oppose bringing hardcore al-Qaeda terrorist leaders to Michigan. I encourage all Michiganders to study this issue closely before making up their minds on whether or not to support the transfer. This decision will impact the security environment in which we live and should not be made for the sake of political expediency. It is a decision that must be made based on all of the relevant facts and therefore I hope that Michigan officials will be granted greater transparency as to why Guantanamo exists, who these terrorists are and what they and their non-detained associates are capable of doing and in some cases have already done after release from Guantanamo.

One of the biggest misperceptions about the Guantanamo Bay detention facility is whether the Bush Administration wanted to keep the facility open versus the current Administration wanting it to close. Let

there be no doubt that the previous administration believed that Guantanamo ought to be closed, but doing so proved extraordinarily problematic given the legal and security ramifications of bringing the detainees to the United States as well as the general reluctance of allies to take some detainees.

On January 22nd, after being in office for only two days, President Obama issued an Executive Order calling for the closure of the Guantanamo Bay detainee facility within one year. On the same day, the President established a Special Task Force to address the issues surrounding the closure and set a 180-day deadline, which came and went last month. What the Task Force and the President is realizing is the same thing that President Bush realized, that closing the detention facility is not only problematic it also is a bad idea.

It is a bad idea because two critical questions have not been answered, and in some cases cannot be answered fully enough to guarantee that the risks to the people of Michigan are acceptable risks. The President's Task Force has refused to brief even the Members of the House Intelligence Committee on its work or to respond to any questions, which should cause significant concern in Michigan that it has developed no good answers to these questions.

Question 1: Why Was Guantanamo Opened, Who Are The Detainees, and What Risks Do They Pose?

The reality is that many of the Guantanamo detainees are committed, hardcore radical jihadists who have sworn a religious oath to kill as many Americans as possible. They are not ordinary criminals, and cannot be treated as ordinary criminals. Here are just a few examples – my descriptions are based on public documents from the Office of the Director of National Intelligence. And I can assure you that the classified documents that I have regularly and closely reviewed are even more troubling:

- **Khalid Sheikh Muhammad:** "... is one of history's most infamous terrorists, and his capture in 2003 deprived al-Qaeda of one of its most capable senior operatives. He devoted much of his adult life to terrorist plotting, specifically against the United States, and was the driving force behind the attacks on 11 September 2001 as well as several subsequent plots against U.S. and Western targets worldwide." During his trial at Guantanamo, KSM boasted: "I decapitated with my blessed right hand the head of the American Jew, Daniel Pearl, in the city of Karachi, Pakistan. For those who would like to confirm, there are pictures of me on the Internet holding his head."

- **Ramzi Bin al-Shibh:** “... a key facilitator for the attacks on 11 September 2001, was a lead operative – until his capture in 2002 – in the post-11 September plot ... to hijack aircraft and crash them into Heathrow Airport in the United Kingdom.”
- **‘Abd al-Rahim al-Nashiri:** “‘Abd al-Rahim al-Nashiri was al-Qaeda’s operations chief in the Arabian Peninsula until his capture in 2002. Trained in explosives, Nashiri honed his expertise in suicide attacks and maritime operations. He led cells in Qatar, Saudi Arabia, the UAE, and Yemen, and he was the mastermind and local manager of the bombing in October 2000 of the USS Cole.”

The majority of the remaining detainees at Guantanamo are the hardest of the hardcore terrorists. They were al-Qaeda’s senior leadership, and they planned and recruited followers to carry out attacks that killed thousands of Americans and would have killed thousands more if not for our successful efforts to stop them. If the objective of moving the remaining, hardcore, detainees to the United States is to “rehabilitate” these committed jihadists, it will almost certainly fail. In January, Saudi Arabia arrested nine “graduates” of its rehabilitation program – some of whom had been imprisoned at Guantanamo - for rejoining terrorist groups since the program started in 2004. Recidivism

among former Guantanamo inmates has become a significant concern. It has been publicly reported that former Guantanamo detainee Said Ali al-Shihiri had been named the Deputy Commander of al-Qaeda in Yemen and may have been involved in car bombings against the U.S. Embassy that killed 16 people, including one young American citizen. Two other former Guantanamo detainees appeared in a YouTube video on the internet with rifles and grenades threatening the United States.

And in April, the Department of Defense issued a fact sheet suggesting that as many as 14 percent of former Guantanamo detainees have been confirmed or suspected as reengaging in terrorist activities. And let me emphasize that the issue here should not be about quibbling over exactly how many may or may not have returned to terrorism – we have to make every effort to prevent 100% of potential attacks. It is incontrovertible that former detainees have returned to the fight, sometimes carrying out significant attacks. An 86% passing grade is simply not acceptable when it comes to protecting American lives. If they will do it overseas, they will certainly do it within our country if brought to America.

Question 2: What are the Implications of Bringing Terrorists into the United States?

Guantanamo was not chosen as a detention location for mere symbolism – there are significant practical and legal advantages to a facility outside the United States, that immediately become significant disadvantages and problems in Michigan.

- **Escape:** Despite the excellent record of the Bureau of Prisons, al-Qaeda terrorists are a determined enemy with a record of escaping from detention that must be considered as part of any decision to bring detainees to the United States. Just last December, three suspected members of al-Qaeda in Iraq reportedly broke out of prison in Ramadi, killing six police officers and seven prisoners. In 2005, Omar al-Faruq, “one of al-Qaeda’s most senior global operatives,” was one of four prisoners who reportedly escaped from a heavily-guarded U.S. military prison in Afghanistan. Even with our best efforts, the threat of escape will be real and significant.
- **Protection of Detention Personnel:** Guantanamo inmates are currently guarded by American military personnel who cannot readily be identified by detainees. Moving them to American prisons poses significant additional risks to corrections personnel, their families, and their communities. Just as importantly, the

facilities could themselves become prominent targets for terrorist attacks. All of this would directly impact the people of Michigan.

- **Access to Visitors and Radicalization of Prisons:** Terrorist detainees are now held in carefully controlled conditions that offer only tightly and carefully controlled interaction with other detainees and with outsiders such as legal counsel. Inside the United States, terrorist detainees would inevitably have significantly greater opportunities to command and control their networks through outsiders and to spread radical jihadist ideology. Even a prisoner in “Supermax” is entitled to five visits per month of up to seven hours each – it makes little to no sense to facilitate even monitored al-Qaeda communications. Radical Attorney Lynne Stewart was convicted for relaying coded messages from World Trade Center bomber Abdul Rahman to his terrorist followers obtained during legal visits in the United States.
- **Legal Issues:** There are several legal distinctions between detainees housed abroad and in the United States. Most notably, detainees brought to United States territory could seek legal immigration status through political asylum claims, and could be released inside the United States if they are acquitted or unable to be prosecuted. In addition, the United States could be required to

provide hostile foreign governments with consular access to terrorist detainees held within the United States. Would we really want foreign spies from these governments coming to Michigan to visit prisoners who are held here?

Michiganders Must Have an Informed Role Prior to Any Transfer

It is unacceptable for the federal government to force its solutions that fail to answer these questions to the people of Michigan in order to excuse the hasty decision-making of the President on this issue. That's why Congress has already shown bipartisan concern over bringing Guantanamo detainees into the United States. I and many other members of the U.S. House of Representatives have supported the Keep Terrorists Out of America Act, HR 2294, which I co-sponsored with Republican leader John Boehner.

I worked with Leader Boehner to craft what I believe is the most important section of the bill, dealing with information that should be provided to State Governments to ensure an informed role, as well to require approval by the state prior to any transfer. The bill would:

- First, require the President to submit to the governor and state legislature a certification that any individual to be transferred does

not pose a security risk to the United States, and receive the consent of the Governor and State legislature to any transfer, and

- Second, submit the following information to the states along with such a certification:
 - The name of any individual to be released;
 - The location and installation to which the person will be transferred;
 - A justification for why that location was selected;
 - The findings of an analysis carried out by the President describing any risk to the national security of the United States or the residents of the United States (or any state) that is posed by the transfer;
 - A certification that any such risk has been mitigated;
 - A certification that any transfer will not adversely affect the ability to prosecute any detainee and the findings of that analysis;
 - A certification that any transfer will not adversely affect the ability to detain any individual in question, and the findings of that analysis; and
 - A certification that any transfer will not result in the release into the United States of any individual in question and the findings of that analysis.

This is just the minimum information that should be provided to the states that would be directly impacted. As the Ranking Member of the House Intelligence Committee, I have also reviewed a substantial amount of classified information about the threats posed by detainees. More of this information must be declassified and made public. I sponsored two amendments to this year's Intelligence Authorization bill that will require more public reporting about recidivism by released detainees, as well as more information about the Uighur detainees who have already been released to third countries.

There is also substantial additional information that should be declassified and shared with the state legislature and the people of Michigan. While we have to protect our intelligence sources and methods and we have to be careful not to tell al-Qaeda exactly what we do know about them and how we know it, I strongly support bringing every piece of information that it is possible to release to the attention of the people of Michigan so they can make a full and informed decision on their own future.

In closing, I also suspect there are people in Michigan, including a number of her prominent leaders, who believe that relocating the detainees from Guantanamo to Michigan should be viewed as an

economic decision. Given the reasons I have outlined, I cannot agree with that notion. I will not put a price-tag on the security of Michiganders or on the peace of mind of Michigan families.

Yes, our state may need jobs, but we have to ask ourselves if some jobs are worth the risk and cost? We need state leaders to pursue jobs for the future, the kind of jobs that attract new families and new business investment—in advanced technologies and automotive research, in medicine and science, and in agriculture and tourism, which will surely suffer as the state’s reputation is transformed from that of “Pure Michigan” into the terrorist prison peninsula.

I ask each of you on this panel, can you, with a straight face, make the case that locating Gitmo North in Michigan is part of a winning strategy for the state’s future? As a former business marketing executive for a Fortune 500 company, I can assert from experience that making Michigan home to the world’s most dangerous terrorists will certainly not in any way make it more attractive for tourists, families or potential job providers.

I reiterate my strong opposition to the transfer of hardcore al-Qaeda terrorist leaders to Michigan. No state should be turned into a

dumping ground for rash, unmanageable political decisions made by the Federal Government.

I thank you for the privilege of testifying today and this concludes my formal remarks.